

# Exhibit 93

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

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SETH CHARLES (KLEIN) BEN HAIM, *et. al.*

**Affidavit of Seth Charles Klein**

--against --

Case No.: 1:02-cv-01811-RCL

THE ISLAMIC REPUBLIC OF IRAN

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SETH CHARLES KLEIN, declares pursuant to 28 U.S.C. §1746, as follows:

1. I was born on [REDACTED] 1975 in Miami, Florida to Bernard and Riva Klein. My parents worked as teachers in the Dade County School System.
2. I have lived in Israel and Florida since 1978.
3. When I was fifteen years old my mother died of cancer. As a result I had to assist my father maintain our home and look after my younger brother, Lavi. I was also required to help out with our family's finances and I worked part-time. The latter resulted in my delay of my High School graduation until I was the age of eighteen and a half.
4. I was a good student in High School and regularly received high grades.
5. While growing up, I had a number of hobbies and after-school activities to which I devoted a great deal of time. These included chess for which I had competed successfully in chess tournaments in Tel-Aviv and Miami and received top rankings. In addition, I was also very active athletically, and I would regularly lift weights and engage in marathon running events.
6. I had many friends in High School and enjoyed a very active social life.

7. Upon graduation from High School, it was my intention to begin my university studies, with the ultimate goal of attending medical school in the United States. I was most interested in the field of psychiatry. My father is a school counselor-psychologist and growing up I engaged in a great many conversations concerning human nature with him, which further enhanced my curiosity and interest in the area of behavior disorders. I began to research various American colleges and universities with strong science and pre-med programs. These included the University of Miami and Florida Atlantic University in Boca Raton, where I have family and the University of South Florida in Tampa, where my father had received his B.A.

8. On the morning of April 9, 1995, I was traveling on Israeli passenger bus Number 36, near the community of Kfar Darom.

9. Although, I have no independent recollection of the events, I have been informed that as the driver was stopping at the bus stop to pick up passengers, a Palestinian terrorist drove a car loaded with explosives into the bus. The car bomb detonated. I can recall being forcefully thrown into the air. I have been informed that the driver of the suicide car bomb, was a member of the Islamic Jihad terrorist organization.

10. The powerful explosion completely destroyed the bus. I later learned that eight passengers were killed and more than 25 were wounded. One of those killed, was another American citizen named Alisa Flatow. Ms. Flatow had been standing near by me at the time of the bombing. One of my best friends, who was sitting next to me, was also killed in the blast.

11. I have been informed that myself and another passenger were the only survivors from the section of the bus where the bomb had impacted.

12. I remember briefly being conscious for a few moments on the ground next to the bus, although I could not see at all. Emergency rescue workers who arrived at the bombing site, administered first aid to the wounded passengers and transported me by ambulance to Ashkelon Hospital.

13. I was semi-conscious when I arrived at the hospital. I was badly wounded in my head and had received numerous other wounds throughout my body. Shrapnel from the bomb had punctured my body and head in several locations. In addition, my wounds had caused me to lose a large amount of blood. Moreover, I was unable to see.

14. Due to the loss of vision and tremendous pain I was experiencing in my head and neck, it was decided to perform a CT. The doctors also performed an operation to stop the loss of blood from a wound to my neck. After receiving the results of the CT, it was decided to helicopter me to Hadasa Ein Karem Hospital in Jerusalem, which has a special trauma unit. There, after stabilizing my condition in the trauma department, I underwent a seven-hour operation to remove bone fragments and shrapnel from my brain. I remember waking up a few days later in the intensive care unit of the neurosurgical department where I remained for several more days. Fortunately, my vision partially returned during this period and I could begin to identify objects in my surroundings.

15. Shortly afterwards, I was transferred from the intensive care to a regular neurosurgical unit where I remained for another ten days.

16. Upon my release from the hospital I was told that the skull on the back right side of my head had been removed in the operation and as a result my brain was now exposed and very vulnerable.

17. Seven months after the injury I underwent another operation to place surgical cement over the exposed area. Due to complications, the operation were only partially successful and to this day that area of my head is still extremely sensitive to touch, weather conditions etc. I was also told that as a direct result of the brain injury, I would lose all peripheral vision on my left side on a permanent basis.

18. During the following year I recuperated at home traveling a few times a week to Hadasa Hospital for continued medical tests and treatment. Since various symptoms associated with severe head injuries were evaluated during this period, I was referred to a neuropsychological center in Tel-Aviv, which included a staff of psychologists, neurologists and psychiatrists, where I began weekly treatments which continue to the present day.

19. The doctors determined that I have 77% permanent disability based on an assortment of related vision and head injuries from the bombing.

20. After a year and a half I began studying again on a part time basis in a special school for brain damaged students. I was determined to continue my education. I received individualized help and with special allowances for disabled students (individual testing, special lighting, extra time) was able to take the college entrance exams.

21. Up until the time of the bombing on April 9, 1995, I was a healthy, popular and active teenager. I was living a very full and engaged life. The terrorist attack, however, negatively changed all this. All my future plans, dreams and aspirations were suddenly and painfully halted. I no longer feel as if I am the same whole individual that entered the bus on that morning. I now divide my life into two parts – that prior to April 9, 1995 and that which came after.

22. I still suffer from the consequences of the serious head injury I received. My doctors have forbidden me from participating in any sports or any strenuous activities that could cause pain to the wound in my head. In this regard I cannot even play with my young cousins for fear of being struck in the head. Moreover, I cannot place my head in various angles when lying down and sitting because of the pain that I experience. Lifting objects, even light ones, frequently causes sharp pain to my head.

23. In addition, I have visible deep and long scars in the back of my head which can only be covered by hats. I suffer from constant headaches. I also suffer from equilibrium problems due to visual and mental overloads. I have periods when I feel pressure inside my head that both cause and result in feelings of confusion. During these periods I have a distinct feeling that taut strings are being pulled from my head in opposite directions. I do not know how to find relief from these painful and scary feelings which sometimes continue for days at a time. They leave me feeling weak, emotionally upset and vulnerable.

24. My eyesight has also been very seriously harmed by the bombing. I have lost all peripheral vision on the left side. As a result, my doctors have informed me, I will never be able to drive a car nor reinstate my driver's license. I must always depend on others to travel any distance.

25. Moreover, my whole world needs to exist on the right side. As an example, I can only sit in a movie theater on the extreme left side or I am unable to see the entire screen. Obviously, this makes it difficult for others to accompany me to the theatre and I usually go alone. I have similar problems when I attend a lecture or watch television. I must always sit to the right of the speaker or of the television set,

or I miss part of what is being presented. I have lost the ability to compete at chess as I cannot see the pieces on the board.

26. The same is true when I talk to other people and when I walk down a street. People standing behind me or to my left cause me great tension. I constantly walk into other people and objects causing embarrassment and sometimes even injury. I have a feeling that objects “jump” into my field of vision. This causes tremendous fear and anxiety. As a result, I need to walk slowly constantly moving my head from side to side to see where I’m going. It is very awkward and uncomfortable to walk in this manner. In addition, basic activities such as shaving and combing my hair are now very difficult.

27. Due to the fact that I cannot focus properly I have difficulty reading. I read very slowly and I need to take long breaks after reading for periods as short as five minutes to rest my eyes. I also find I need to read the same material a number of times because of my improper focus on the letters. Reading requires very bright lighting in the room or I cannot see the words. For a person who once considered himself scholarly and enjoyed reading this is a very disturbing handicap.

28. Similarly, sitting in front of a computer screen causes me to have visual overload which I know from experience could bring on epileptic episodes; therefore I don’t use computers. Obviously, this greatly restricts the school work I am able to do. If I need something typed someone else must do it for me. I am unable to use the internet or computer for research like other students and this places me at a great disadvantage.

29. In addition my visual memory has been very severely harmed. As a result, I need the accompaniment of others when I travel to keep me from getting lost. Even the shortest distances from my home leave me stranded. I compensate by

learning verbal clues to help me find out where I'm going. The latter causes a great deal of effort and anxiety. I have difficulty recalling and recognizing faces. I cannot perform simple visual tasks such as: solving puzzles, drawing etc. I have difficulty organizing and scheduling, whether it be time, shopping lists, or virtually any activity relating "the part to the whole". The former disability – "the breakdown of Gestalt" - as related to me by the neurological and psychological staff involves both visual and mental functions. Sensory stimulation frequently causes a "short out" episode.

30. I have also had a painful and long term psychological reaction to the terrorist bombing. I still feel a great fear and anxiety which, my doctors inform me are triggered by associations and flashbacks to the attack. I feel like I have the need to be constantly alert and aware. The need to remain "on guard" at all times causes periods of insomnia and leaves me with an intense exhaustion. I undergo periods of extreme nervousness and lack of patience. Sudden noises cause me agitation and jumpiness. I find I cannot deal with any of the normal changes that occur in my life and ordinary things that are left unresolved cause me a great deal of stress. Since my injury I feel a large measure of personal insecurity and a loss of self-esteem in my ability to achieve things. There are times when I feel alone even in the midst of people, especially relating to my feeling that no one understands me or the extent of my injuries. I think a lot about death and injury and I often experience nightmares relating to the bus bombing.

31. Every year since 1995, I experience a very strong mood shift as the anniversary of the bombing draws near. During this time, I am extremely nervous, cannot sleep, and am sometimes violent. As a result, I spend most of my time alone in my house since I'm afraid to be in contact with people including my family.



Sometimes, this overwhelming emotional period continues for days after the anniversary date passes.

32. Naturally, as a result of my injuries my college entrance exam scores were significantly lower than what they would have been. They were not high enough to gain me admission into medical school. I am currently enrolled as a part-time student in Tel-Aviv University in a B.A. program. Most of my life now centers around my college classes. I travel to the university campus by private taxi three times a week, as I cannot drive nor use public transportation. Since I study on a part time basis, it will possibly take six years to complete a B.A. In order to complete my undergraduate degree, I require the help of various people and projects: 1) I have a helper who comes to my apartment three times a week to perform day-to-day chores (shopping, cooking, cleaning, organizing, paying bills etc.) for me. 2) At the university itself I have people who have been assigned to assist me in finding my way around campus, helping me locate materials in the library, reading to me (six hours a week) and helping me organize my scheduling, as well as other tasks.

33. I believe my life would have been totally different had I not been seriously injured in the bombing in 1995. I had planned to be living in South Florida, having completed medical school and probably be interning now in my chosen specialization. It was my dream to have eventually set up a private medical practice or have begun work in a psychiatric hospital.

34. I can also envision my having been married by now and having children. As much as I like small children, I don't know today if I will be able to get married and have children. My inability to be able to handle the "noise" that children make or the day-to-day tensions of family life casts serious doubt on my prospects. Moreover, the conditions of my health and the difficult challenges I confront on a

daily basis make maintaining social relationships very difficult for me. The thought of not being able to get married and raise a family is extremely depressing for me. Prior to the bombing, I had always assumed I would get married and experience the joys and difficulties of family life and fatherhood. Now, I feel as if I am growing older and the years are passing me by. Marriage and fatherhood were stolen from me by the terrorists who perpetrated the attack.

35. My disabilities, caused by the bombing, have placed my future plans under a thick cloud of uncertainty. I have been taught by my psychologists and social workers to "take each day as it comes" and not attempt to make long range plans. Every new undertaking that I attempt to commence, must be evaluated by my doctors on a "trial and error" basis. For example, I was "prepared" for about four months before moving out of my father's home and into an apartment on my own. Only after a few months of "proving" independent living with the assistance I receive, was I "permitted" to sign a lease for a year. The same is true for my university studies. Meetings are held with my entire medical staff every few months and at each stage my successes are evaluated, my future "workload" is determined and the necessary assistance is mapped out for the following semester.

36. Therefore, I can only guess at what the future will hold for me.

I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE UNITED STATES OF AMERICA THAT THE FOREGOING IS TRUE AND CORRECT.

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SETH CHARLES KLEIN

May 14, 2004  
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Date